

In The United States District Court

For The District of Delaware

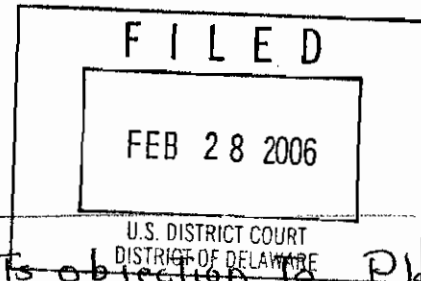
Monty Pepper
Plaintiff

✓

REDACTED

Thomas Carroll
Bambi Thomas
James Gardels
Thomas Seacord
Defendants

C.A. No 05-084-JJF



Plaintiff's Reply To Defendants objection to Plaintiff
motion for Temporary Restraining order without notice and
Preliminary injunction and notice of Emergency injunction
and Summery Judgement/relife

Please Take Notice That The above mentioned is herewith
presented To The Court For Consideration

Plaintiff in filing on or about February 15 2005 a
complaint filed in Fedral District Court For The District of
Delaware, against The above Defendants in case
(DI 2) and amended complaints

Plaintiff request a 'Withdraw' of Motion
for Temporary Restraining order with out notice"

February 24 2006

A handwritten signature in dark ink, appearing to be "MP" followed by a stylized surname.

Monty Pepper
1181 Paddock Rd
Smymna Del 19977

To The Honorable Court

To The Court This reply is a redacted where
Plaintiff was refused access to law library on
Friday 24 February 2006 . Plaintiff has supplied
a explanation and affidavits . These are all originals
Plaintiff retains no copys or was unable to supply
The Defendants with Copys and was unable to
supply evidence to support his claim which he
dose possess . Plaintiff request The court to
docket The reply and inform The Plaintiff of
appropriate action to take

Feb 24 2006



Monty Pepper

1181 Paddock Rd

Smyrna Del 19977

Plaintiff request The Honorable court To withdraw
(DI 12) "Motion For Temporary Restraining Order without
notice" with Prejudice

Plaintiff has been moved from S.H.U. and
or M.H.U. where defendants work and such is not
in contact with them

Plaintiff has a fear of being moved from
Delaware Correctional Center (D.C.C.) because The Counsel
for The Defendants supplies with Their Objection a case
Law as (Slip Copy 2005 WL 2304322 (M.D. Pa.)) which
Plaintiff sees as a Threat of moving The Plaintiff from
D.C.C. as a remedy

As This remedy of moving The Plaintiff would cause
irreparable emotional harm To The Plaintiff's son

M. P 11 years old and To The Plaintiff,

Where both The Plaintiff and his son have ongoing
Physiological intervention of Doctors and Counslers due to
The situation. Where The Plaintiff was a single father of
of his son from 6 months on To 10 years old he has no
mother That participates or have ever participating

in raising him. He presently lives with Plaintiff's mother and father Esther Pepper Richard Pepper who are both in their seventies. They are god sent.

II Plaintiff due to refusal of law library access on Friday 24 Feb 2006 where Plaintiff only having five days dead line could not copy evidence copy this reply to follow rules of procedure. There for plaintiff can only file this original with no copy's letter affidavits supplied with an explanation.

As To III in defendants ansure to DI 12 Defendants claims That Tampering with lunches as well as threats That don't amount To imminent danger Plaintiff would disagree. All Prisoners have the right To be protected from constant threats of violence, Terror physical aggression and sexual assaults from other inmates 639 F2d559 10 cir 1980 450 US 1041 1981. This To extends To protection from guards as The objective Component of The 8th Amd allways are violated when prison officals maliciously

and sadistically use force to cause harm such force is repugnant to the conscience of mankind." As to the calling the Plaintiff a Child Molester This too was a violation of the 8th amendment as well as deliberate Indifference where this put the Plaintiff in danger from attack where inmates in Protective Custody move out of Protective Custody (P.C.) on to compound and other Delaware Prison's. This was done purposely to put the Plaintiff in danger where Bambi Thomas did say "IF you weren't a child molester you'd sign off" Just as in *Watson v McGinnis* 981 F Supp 815 (S.D.N.Y. 1997) *Benfield v McDowall* 241 F3d 1267 (10th Cir 2001) To name a few found that labeling a inmate a snitch would put a inmate in danger and officers in knowing the end result of their statement did act with deliberate Indifference. This is no different than being called a child molester and probably worse.

Again on 1/25/2006 a grievance was read by grievance committee and this was read in front of two inmates a rumor than insued on the tier that the plaintiff was on This was

reported To Mental Health . This was reckless
by any standard and will be addressed in The
(DI 2) complaint and amended complaints (DI, 12)
(DI, 8) (DI 25) and is a ongoing issue

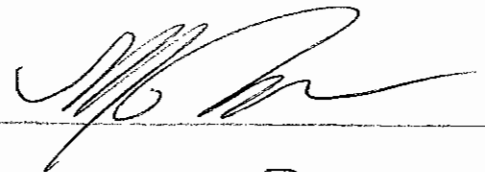
Plaintiff still suffers mentally and physically from
These acts and is in constant fear from acts of
all Three defendants Thomas Seacord Bambi Thomas
James Gardels . where They have The ability To
call any institution and label The Plaintiff as
a Trouble maker a child molester or worse . This
is my fear of being moved also .

Plaintiff has documents as To all The acts
described . Also has witnesses inmates as well
as officers . where Wistle Blower Status will be
needed . Also Plaintiff would request United States
Attorney's involvement or Fedral Bure of Investigation
To question witnesses

Plaintiff as To letter and affidavit supplied The
Plaintiff was refused law Library access and can
not supply copys of law or documents and grievances

for the Plaintiff can show proof of retaliation but will need subpoenas to acquire records. The fact in IV on razors Plaintiff can show that Defendants are lying and as to the link between Constitutional Rights being denied and retaliation can be shown by evidence that they extend directly from the Plaintiff's exercise of his Constitutional Rights. With the Court's grant of time and subpoenas to gather evidence

Plaintiff presents this to the Honorable Court



Monty Pepper

1181 Paddock Rd

Smyrna Del

19977

Feb 24 2006

Plaintiff while in S.H.U. 18 B.Tier was the same time as Jermaine Wilson on 2/18/2005 he died from apparent suicide. This I believe was without doubt due to abuses as the defendants describe as not amounting to a colorable offense or an offense that amounts to cruel and unusual treatment or an imminent danger to the Plaintiff or that it amounts to a 8th Amendment claim.

Plaintiff has shown what he can at this point and has shown that it does amount to a 8th Amendment claim also. Plaintiff in grievances has asked for criminal charges to be pressed and due to threats Plaintiff did not follow through.

Plaintiff asserts that inmates on D.Tier and Death Row as well as B.Tier in build 18 at the hands of the Defendants were abused in the same manner. There by Plaintiff will seek grievances and records of attempted suicides, as well as Doctors, Nurses, who witnessed these acts as to Plaintiff and others where doctors some who are not with Prison Medical

any longer Records will need to be acquired

These abuses are more than just a battle of words and as put in Defendants Memorandum of Points Plaintiff received 4 pieces of crust rumours times. Food was tampered with and Plaintiff could not eat lunch for almost a month and grievances were ignored as well as letters to internal affairs and warden Carroll LT Taylor LT Seacord LT Holman and others counselor Sims. There were notes taken by individuals who Plaintiff cannot name for their safety. Plaintiff also has copies of letters to medical about the abuses all were ignored or said they could not help they were powerless

Things that were put forward are the tip of the ice berg Plaintiff will present the names of inmates who were attacked these inmates put in grievances and were denied as well as receiving fictitious write ups by guards Terri LT Seacord and were approved by LT Savage.

The same as my fictitious write ups in retaliation where a few days after writing Bambi Thomas

up for abuses These are included with their motion and (Exhibit A) where first The SHU is Secure Housing Unit This is The Maximum Security cups and Bowls Can not fit under doors These can only be given by guards shake down Records will show shake down. Defendant Bambi lies to statement "Someone should slap That bitch" This is a woman statement not a man first 2nd Plaintiff has affidavit that was refused and witnessess that were refused as well as being denied a chance to appeal as (Exhibit B) shows Plaintiff asked and was refused Plaintiff was given 15 days in The hole which is retaliation where comparing punishments will show, and where LT Savage was laughing and would allow no affidavits or witnesses This is common place for This Disciplinary System where it is as corrupt as The Grievance system "This can't be realted by video Taped and voice within The prison" would eliminate any abuse by This system. futher Defendant says Plaintiff's Cell (stmt 11) Smelled however if Plaintiff was being supplied cleaning material how could This be True ⁽¹¹⁾. Also statement that The cell was full of Trash ⁽¹¹⁾ This is The SHU only what guards give inmates is what They have Plaintiff Cell could "not" have been full of Trash

only what was given To Plaintiff

Further Plaintiff was written up for "Carbon Paper" when they found out Plaintiff was making copies of grievances and sick call and letters

Defendant Bambi Thomas looked through Plaintiff's legal papers without Plaintiff present and never asked Plaintiff if he had carbon paper. Plaintiff received this in legal work from someone. This gave the Plaintiff a write up where again LT Savage gave the Plaintiff 15 days confinement extreme for offence as well as the other write up was excessive and can be proven as such.

Because Plaintiff can not supply additional information at this time Plaintiff has letters grievances as well as medical which documents all the abuses described as well as more and after acquiring evidence as in grievances medical and witnesses Plaintiff will prove without a doubt that this type of abuse was normal for Buld 18 when the Defendants and others were in charge

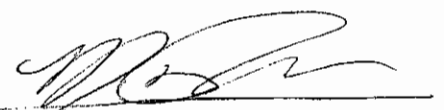

Monty Pepper

EXHIBIT A

1

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C.A. No. 05-084-JJF

3. I work only in the Security Housing Unit ("SHU") at DCC. I occasionally work overtime when frozen within the institution. I do not work overtime in any other housing unit in the institution. Since Monty Pepper left the SHU I have not had any contact with

him. On August 2, 2005, Inmate Pepper was moved to V Building, a ~~maximum security~~ housing unit.

4. I do not recall Inmate Pepper requesting any legal phone calls in May, 2005. In the autumn of 2004, he did request legal phone calls, which the corrections staff attempted to place for him. However, the calls to his attorney were refused by the attorney's office, and the call to the Public Defender was also refused.

5. On Tuesdays and Fridays the inmates in the SHU receive razors with breakfast, and the razors are picked up when the lunch trays are picked up. Because the razors are picked up on the same day they are issued, Inmate Pepper would always be expected to give his back. If he had to give back the razor, then it is accounted for, making it very difficult to "plant" a razor. I deny ever saying anything to Inmate Pepper about putting a razor in his cell.

6. I have no recollection of calling Inmate Pepper a child molester at any time.

7. In the SHU inmates are required to shower three times per week. I do remember requiring Inmate Pepper to shower as he had particularly bad body odor. He refused, saying that he had no towel. As there were no towels on the housing unit at that time, I offered him a sheet to dry off with. Some inmates do "air dry" after their showers. It is not unusual for them to do this. I never called Inmate Pepper a "stinking bitch" as he claims. I do recall Inmate Pepper saying, "some one should slap that bitch."

8. When trays come to the SHU, the staff put the bread and juice on the trays and give them out. The bread comes packaged like the loaves of bread at the store. When staff put bread on the trays, some one will get as one of the slices, the end piece of the loaf. The trays are then passed out in no special order. With several people giving out

trays, there is no way to be certain which tray any inmate will receive at the start of tray distribution. Inmate Pepper may have received slices that were the end of a loaf of bread by chance from time to time. However, not all of the slices he would get at each meal would be the ends of the loaf. Because several people distribute the trays randomly during the meal service, there is no way to ensure that a particular tray will be given to Inmate Pepper.

9. Inmates know that the mail is collected and goes out on the 4 P.M. to 12 A.M. shift. I work the day shift. The 4 – 12 shift takes the mailbag out to the mailroom at the end of the shift. I have not picked up any mail from Inmate Pepper.

10. Saturdays in the SHU are supply days. The inmates are instructed to turn over the cardboard toilet paper roll in order to get a new roll of toilet paper. Often, even if an inmate does not turn over the cardboard roll, he will be given a new roll and reminded of the rule. On occasion, inmates who have not turned over the cardboard roll or who are asking for increased amounts of toilet paper will be given some paper, but not an entire roll. There is no reason for Inmate pepper not to receive toilet paper.

11. Inmate Pepper's cell was frequently dirty, smelled bad and was filled with trash. Far from refusing him the opportunity to clean his cell, he has been instructed to clean the cell. On one occasion I even went into his cell and put Comet cleanser in his toilet because it was dirty and smelled bad. I then ordered Inmate Pepper to clean his cell while I was standing there and provided him with a broom and a mop. Inmates in the SHU are to ask for the cleaning supplies prior to their recreation day.

12. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

Bambie Thomas
Bambie Thomas

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF February
2006.

Brian D. Engstrom
NOTARY

DR #
101.7654

Date: 6/8/05

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

DISCIPLINARY HEARING DECISION

☒ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)

Inmate: Pepper Monty SBI#: 00 156920
Institution: Delaware Correctional Center Hearing Date: 6/8/05 Time: 1355
cont 6/10/05

Inmate Present: ☒ Yes ☐ No

Reason (If No):

Violation: 200.203 D.T.B 200.106 200.108

Inmate Plea: not guilty

Inmate Statement: This was my newspaper. I don't
say what she said. I did. Inmate said
it was retaliation.

Witness Name:

Testimony:

Witness Name:

Testimony:

Witness Name:

Testimony:

Decision: ☒ Guilty ☐ Not Guilty ☐ Further Investigation

Rational: During confrontation with Thomas inmate
called her the name she reported. Per
report of confrontation inmate found guilty
of all charges.

Sanctions: 15 days isolation to be scheduled

Hearing Officer's Signature H. Lauren Sawyer

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.

☐ I do not intend to appeal.

inmate unable to sign - coffee
in name

Inmate's Signature

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal

☐ Sanctions have been modified

☐ Appeal has been denied by Commissioner or Designee

☐ Time Limit (72 hours since hearing) for appeal has expired

Modifications:

It is hereby ordered to implement the sanctions or modified sanctions on Date: Time:

DR #
1017654

Date: 5/30/05

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

To: Inmate: Pepper, Monty SBI#: 00 156920 Housing Unit: SHU 18

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122).
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead? ☐ Guilty ☒ Not Guilty

3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand.
 - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of more than 15 days but less than 60 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
 - c. Isolation confinement for a period of time not to exceed 15 days.
 - d. Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested? ☐ Yes

☒ No Name of Counsel: _____

7. Confront accuser? ☒ Yes

☐ No

8. Witness requested? ☐ Yes

☒ No Name of Witness: _____

I certify that on 5/30/05 at 1400
(Date) (Time)

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[Signature]
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

[Signature]
(Inmate's Signature)

Incident#
1022350

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

Date: 02/14/2006

INCIDENT REPORT

Group#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>05/11/2005</u>	Time: <u>09:45</u>	Confidential: <u>No</u>
Facility: <u>DCC Delaware Correctional Center</u>		Followup Required: <u>No</u>		
Associated Disciplinary Report #(s): <u>1017654</u>				
Incident Location: <u>Bldg. 18 B Tier</u>				
Location Description: <u>BL9</u>				
Violated Conditions: <u>1.06/200.203 Disorderly or Threatening Behavior</u> <u>2.03/200.106 Creating a Health, Safety or Fire Hazard</u> <u>2.06/200.106 Failing to Obey an Order</u>				
Description of Incident: On 11 May 05 at 0945 while conducting a routine shakedown I Sgt. B. Thomas found a large ammount of trash in Inmate Pepper's cell. This excess trash is against the housing rules on page 1D. Along with the trash he was in possession of 1 extra cup, 1 extra coffee cup, 1 extra bowl and lid. These extra items are against the housing rules according to page 30E. Inmate Pepper also became disorderly by stating "Someone should slap that bitch".				
Injured Persons	Hospitalized	Nature Of Injuries		
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		
Evidence Type: <u>N/A</u>		Date Collected: <u>N/A</u>		
Discovered By: <u>N/A</u>		Secured By: <u>N/A</u>		
Type of Force Used: <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE				
Restraints Used: <u>N/A</u>				
Immediate Action Taken: <u>N/A</u>				
Individuals Involved				
Person Code	Name	SBI#	Title	
Staff	Bambie, Thomas	N/A	CO Corporal/Sgt. - Large Inst.	
Inmate	Monty, Pepper C	00156920	N/A	
Reporting Officer: <u>Thomas, Bambie (Co Corporal/Sgt. - Large Inst.)</u>		Entered By: <u>Thomas, Bambie (Co Corporal/Sgt. - Large Inst.)</u>		
Approval Information				
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>05/16/2005</u> Approved by: <u>Seacord, Thomas J (Staff Lt./Lt)</u>				
Comments: <u>N/A</u>				

Disciplinary#
1017854

DCC Delaware Correctional Center

Shirley Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY REPORT

IR#: 1022350

Disciplinary Type: Class1

Housing Unit: Bldg 18

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00156920	Pepper, Monty C	DCC	Bldg. 18 B Tier	05/11/2005	09:45

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.106 Failing to Obey an Order

Witnesses: 1. N/A

2. N/A

3. N/A

Description of Alleged Violation(s)

On 11 May 05 At 0945 While Conducting A Routine Shakedown I Sgt. B. Thomas Found A Large Ammount Of Trash In Inmate Pepper's Cell. This Excess Trash Is Against The Housing Rules On Page 1d. Along With The Trash He Was In Possession Of 1 Extra Cup, 1 Extra Coffee Cup, 1 Extra Bowl And Lid. These Extra Items Are Against The Housing Rules According To Page 30e. Inmate Pepper Also Became Disorderly By Stating " Someone Should Slap That Bitch".

Reporting Officer: Thomas, Bamble (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Thomas, Bamble -CO Corporal/Sgt. - Large Inst.

N/A

Offender Disposition Details

Disposition: N/A

Date: N/A

Time: N/A

Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval InformationApproved: ☒ Disapproved: ☐ Approved By: Seacord, Thomas J (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

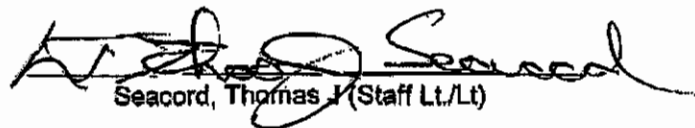
Date Received: 05/30/2005

Time: 14:56

Received From: Seacord, Thomas J

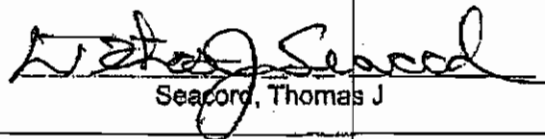
Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing


Seacord, Thomas J (Staff Lt./Lt)

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to Imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:


Seacord, Thomas J

Offender:

Pepper, Monty C

DELAWARE CORRECTIONAL CENTER
Smyrna Landing Road
SMYRNA DE. 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : <u>Pepper, Monty C</u>	SB#: <u>00156920</u> Type: <u>Class 1</u>	
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>06/16/2006</u> Time: <u>10:30</u>	
Inmate Present: <u>Yes</u> Reason (If No): <u>N/A</u>		
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.108 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Trash was my newspapers. I didn't say what she said I did. Inmate said its retaliation.</u>		
Decision: <u>Guilty</u>		
Rational: <u>During confrontation c/o Thomas said inmate called her the name she reported. Per report and confrontation inmate found guilty of all charges.</u>		
Sanctions: <u>N/A</u>		
HEARING OFFICER'S SIGNATURE		
<u>Savage, Larry</u>		
I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.		
I <input checked="" type="checkbox"/> DO <input type="checkbox"/> DO NOT INTEND TO APPEAL		
INMATE'S SIGNATURE		
ORDER TO IMPLEMENT SANCTIONS		
<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate	
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired	
It is here by ordered to implement the sanctions:		
Sanctions	Start Date Days End Date	
1. Isolated Confinement	15	